

Resolution of Intent to Amend Zoning Regulations as to Sexually Oriented Businesses

WHEREAS, pursuant to Sections 76-2-201 and 76-2-205 of the Montana Code Annotated, a board of county commissioners has the authority to adopt and amend a county's zoning regulations. Pursuant to Section 7-5-132 of the Montana Code Annotated, a board of county commissioners has the authority to submit a proposed resolution to a referendum by the voters.

WHEREAS, the Citizens Against Sexual Exploitation has drafted proposed amendments to Yellowstone County's Zoning Regulation related to sexually oriented businesses and has requested the Yellowstone County Board of County Commissioners amend the County's Zoning Regulations to include amendments. The Board has forwarded the proposed amendments to the Yellowstone County Zoning Commission for a recommendation. The Zoning Commission has held a public hearing on the proposed amendments. The Zoning Commission has heard comments for and against the proposed amendments. The Zoning Commission has recommended to the Board that it not adopt the proposed amendments. The Board has published notice of a public hearing on the proposed amendments. The Board has held a public hearing on the proposed amendments. The Board has heard comments for and against the proposed amendments. The Board has considered the recommendation from the Zoning Commission and the public comments. The Board believes that it may be in the best interest of the public to amend the County's Zoning Regulations as requested. To ensure that the public supports the proposed amendments, the Board intends to enact the amendments subject to a majority of the voters approving them in a referendum to be held as a special election in conjunction with the June 6, 2006 primary election.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to amend Yellowstone County's Zoning Regulations as requested by the Citizens Against Sexual Exploitation subject to a majority of the voters approving the amendments in a referendum to be held as a special election in conjunction with the June 6, 2006 primary election. The Board orders the Yellowstone County Clerk and Recorder to: (1) publish notice of passage of this resolution of intent, (2) make available to the public for inspection the proposed amendments and (3) accept protests from property owners within the jurisdictional zoning area of the County on behalf of the Board. On March 22, 2006, after the protest period for the property owners has expired, the Board will consider the protests and whether to enact the amendments subject to a referendum.

Passed and Adopted on the 17th day of February 2006.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

/s/John Ostlund, Chairman

ATTEST:

/s/Tony Nave, Clerk and Recorder
Yellowstone County, Montana